

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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MAJOR TOURS, INC., et. al.,

Plaintiffs,

v.

MICHAEL COLOREL, et. al.,

Defendants.

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HON. JEROME B. SIMANDLE

Civil No. 05-3091 (JBS/JS)

**ORDER**

This matter having come before the Court upon the State Defendants' motion to dismiss [Docket Item 260]; Plaintiffs' crossmotion to file a Fourth Amended Complaint [Docket Item 287]; and Plaintiffs' appeal of Magistrate Judge Schneider's decision regarding preservation of government emails and discovery of email backup tapes [Docket Item 284]; the Court having considered the submissions of the parties; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 22nd day of **June, 2010** hereby

ORDERED that the Complaint is **DISMISSED** with respect to the following Defendants: New Jersey Department of Transportation, Sharon Harrington, Diane Legriede, New Jersey Motor Vehicle Commission, Kris Kolluri, and John F. Lettiere; and it is further

ORDERED that the portion of Count I referring to the Due Process Clause, the Interstate Commerce Clause, and the right to travel, as well as Counts II and V are **DISMISSED** with respect to

Defendants Michael Colorel and Vincent Shulze; and it is further

ORDERED that the crossmotion to amend the Complaint is **GRANTED IN PART AND DENIED IN PART.** Plaintiffs may file a Fourth Amended Complaint within fourteen (14) days of the entry of this Order, that makes only the following changes: (1) Clarify that Count I applies only to Defendants Michael Colorel and Vincent Shulze; (2) All proposed changes to Count II; (3) All proposed changes to the New Jersey Civil Rights Act count (currently Count IV) except for the addition of proposed ¶ 80; (4) the proposed changes to subsection (b) of the prayer for relief; and (5) deletes all claims and defendants that have been dismissed herein; and it is further

ORDERED that Judge Schneider's Order at Docket Item 258 (and the reconsideration thereof at Docket Item 275) is **AFFIRMED.**

**s/ Jerome B. Simandle**  
JEROME B. SIMANDLE  
United States District Judge